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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,002	12/15/2004	Gerhard Gumpoltsberger	ZAHFRI P700US	6713

20210 7590 09/19/2006

DAVIS & BUJOLD, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301

EXAMINER
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LE, DAVID D

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/518,002		GUMPOLTSBERGER, GERHARD	
	<b>Examiner</b>		<b>Art Unit</b>	
	David D. Le		3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/04, 03/28/05, 06/06/05</u>                              | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/518,002, filed on 15 December 2004. Claims 22-42 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
  - Information Disclosure Statement, received on 12/15/04
  - Foreign Priority Document, received on 12/15/04
  - Replacement Drawings, received on 12/15/06
  - Information Disclosure Statement, received on 03/28/05
  - Information Disclosure Statement, received on 06/06/05

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS), filed on 15 December 2004 and 06 June 2005, fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The above IDS have been considered without the following references:

#### **IDS filed on 15 December 2004:**

- JP-04119245 A
- JP-2000291747 A
- JP-2001082555 A

- JP-2002323098 A

IDS filed on 06 June 2005:

- JP-2000234664

***Drawings***

4. The drawings, received on 15 December 2004, are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rod, the hollow shaft of the third planetary gears, the additional free wheelings, the drive and the output are provided on the same side of the housing, the axle, the distributor differential, the drive motor, the clutch element, the hydrodynamic converter, the hydraulic clutch, the dry starting clutch, the wet starting clutch, the magnetic powder clutch, the centrifugal clutch, the external starting element, the crankshaft, the torsion vibration damper, the motor, the wear-free brake, the auxiliary output, the additional units, the trap brakes, the cone clutches, the form-locking brakes, the form-locking clutches, and the electrical machine must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 22, 23, 25, 27, 32 and 33 are objected to because of the following informalities:

#### **Claim 22:**

- Line 19, "whereby" should be --wherein--; and
- Line 25, "whereby" should be --wherein--.

#### **Claim 23:**

- Line 5, "whereby" should be --wherein--.

#### **Claim 25:**

- Line 5, "whereby" should be --wherein--.

#### **Claim 27:**

- Line 2, "the first" should be deleted;
- Line 2, "the second" should be --the output shaft--;
- Line 3, "output shafts" should be --shafts--.

Claim 32:

- Line 3, “whereby” should be --wherein--.

Claim 33:

- Line 2, “whereby” should be --wherein--.

Appropriate correction is required.

6. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 34 recites the limitation “wherein the fourth clutch or the second brake can be used as a shifting element.” The scope of this claimed limitation does not further limit the claimed limitation “at least six shifting elements including first and second brakes and first, second, third, and fourth clutches...”, as recited on lines 5-7 of the independent claim 22.

***Claim Rejections - 35 USC § 112***

7. **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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8. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 27 recites the limitation “wherein the free wheelings are provided between the drive, the first, second, third, fourth, fifth, sixth, and seventh output shafts and the housing.” The present specification, i.e., paragraph [039], does not adequately provide support this claimed recitation.

9. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 22:**

- Line 4 recites the limitation "the first, the second". There is insufficient antecedent basis for this limitation in the claim.
- Lines 14-15 recite the limitation “the fourth shaft is continuously connected with a rod of the second planetary gears, and a further element of the third planetary gears”. Because of the “,” after the phrase “the second planetary gear”, it is unclear whether the fourth shaft is also continuously connected with a further element of the third planetary gears.

Claim 28:

- Lines 1-2 recite the limitation “a drive and an output”. It is unclear whether this newly recited “a drive and an output” is different from the ones, which are first recited on lines 9-11 of the independent claim 22.

Claim 33:

- Line 2 recites “a shifting element of the transmission”. It is unclear whether this newly recited “a shifting element” is different from “at least six shifting elements”, as first recited on lines 5-6 of the independent claim 22.

Claim 34:

- Line 2 recites “a shifting element”. It is unclear whether this newly recited “a shifting element” is different from “at least six shifting elements”, as first recited on lines 5-6 of the independent claim 22.

***Allowable Subject Matter***

11. Claim 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
12. Claims 23-26 and 28-42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



*Conclusion*

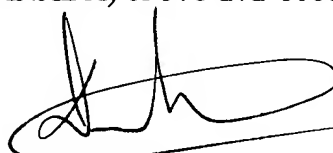
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Raghavan et al. (U. S. Patent No. 6,634,981) teaches a multi-speed planetary transmission, as shown in Figs. 1a, 3a, 4a, 5a, 9a, and 11a.
- Usoro et al. (U. S. Patent No. 6,648,789) teaches a multi-speed planetary transmission, as shown in Figs. 1a, 6a, 8a, 12a, and 13a.
- Kao et al. (U. S. Patent No. 6,652,409) teaches a multi-speed planetary transmission, as shown in Fig. 9a.
- Usoro et al. (U. S. Patent No. 6,659,904) teaches a multi-speed planetary transmission, as shown in Figs. 1a, 2a, 3a, 4a, 5a, 6a, and 8a.
- Bucknor et al. (U. S. Patent No. 6,659,903) teaches a multi-speed planetary transmission, as shown in Figs. 1a, 6a, 7a, 12a, 13a, 14a, 15a, 16a, 17a, 18a, and 19a.
- Raghavan et al. (U. S. Patent No. 6,672,988) teaches a multi-speed planetary transmission, as shown in Figs. 3a and 7a.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'David D. Le', enclosed within a large, loopy oval shape.

David D. Le  
Examiner  
Art Unit 3681  
09/15/06

ddl